

## COLLEGE STUDENT AID COMMISSION[283]

### Notice of Intended Action

#### **Proposing rule making related to all Iowa opportunity scholarships and providing an opportunity for public comment**

The College Student Aid Commission hereby proposes to amend Chapter 8, “All Iowa Opportunity Scholarship Program,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 261.3.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 261 as amended by 2018 Iowa Acts, House File 2502, sections 80 and 81.

#### *Purpose and Summary*

The proposed amendments reflect changes to Iowa Code section 261.87 that were enacted in 2018 Iowa Acts, House File 2502, sections 80 and 81. Section 80 defines “eligible surviving-child student,” and section 81 provides students who meet that definition with second priority for awards under the All Iowa Opportunity Scholarship Program.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

#### *Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on September 4, 2018. Comments should be directed to:

Karen Misjak

Executive Director

College Student Aid Commission

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Email: [karen.misjak@iowa.gov](mailto:karen.misjak@iowa.gov) or via the Iowa administrative rules website: [rules.iowa.gov](http://rules.iowa.gov)

## *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

## *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of “Eligible surviving-child student” in rule **283—8.2(261)**:

“*Eligible surviving-child student*” means a person who is under age 26, or under age 30 if the student is a veteran who is eligible for or has exhausted benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008; who is not a convicted felon as defined in Iowa Code section 910.15; and who meets any of the following criteria:

1. Is the child of a peace officer, as defined in Iowa Code section 97A.1, who was killed in the line of duty as determined by the board of trustees of the Iowa department of public safety peace officers’ retirement, accident, and disability system in accordance with Iowa Code section 97A.6(16).

2. Is the child of a police officer or fire fighter, as defined in Iowa Code section 411.1, who was killed in the line of duty as determined by the statewide fire and police retirement system in accordance with Iowa Code section 411.6(15).

3. Is the child of a sheriff or deputy sheriff, as defined in Iowa Code section 97B.49C, who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with Iowa Code section 97B.52(2).

4. Is the child of a fire fighter or police officer included under Iowa Code section 97B.49B, who was killed in the line of duty as determined by the Iowa public employees’ retirement system in accordance with Iowa Code section 97B.52(2).

ITEM 2. Amend subrule 8.4(2) as follows:

**8.4(2) Priority for grants.** Only applicants with expected family contributions (EFCs) at or below the average tuition and fees for regent university students for the academic year for which awards are being made will be considered for awards.

- a. All eligible new and renewal foster care students will receive first priority for funding. Awards to eligible foster care students will be made based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first and at increasing EFC levels until the maximum EFC level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.

- b. All new and renewal eligible surviving-child students will receive second priority for funding. Awards to eligible surviving-child students will be made based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first and at increasing EFC levels until the maximum EFC level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.

- ~~b.~~ c. All eligible renewal applicants will receive ~~second~~ third priority for funding. Awards to renewal applicants will be made based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first and at increasing EFC levels until the maximum

EFC level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.

~~e.~~ d. If funding remains after all eligible foster care students, eligible surviving-child students, and renewal students have been awarded, ~~third~~ fourth priority will be given to students who participated in federal TRIO programs, participated in alternative programs in high school, or graduated from alternative high schools. Awards will be made to students in this category based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first and at increasing EFC levels until the maximum EFC level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.

~~d.~~ e. If funding remains after all priority applicants have been awarded, ~~fourth~~ fifth priority will be given to students who participated in federal GEAR UP programs. Awards will be made to students in this category based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first, followed by awards to students at increasing EFC levels until the maximum EFC level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.

~~e.~~ f. If funding is available, awards to remaining eligible applicants will be made based on EFC levels within the parameters defined by the commission, with students in the lowest EFC levels awarded first, followed by awards to students at increasing EFC levels until the maximum EFC level is reached. If all students in a given EFC level cannot be funded, students will be ranked according to the date the state application was filed.